

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
COURT FILE NO.: CV-

HARRY PETOCK,

Plaintiff,

vs.

NATIONAL ENTERPRISE SYSTEMS,  
INC.

Defendant.

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**COMPLAINT**

**JURY TRIAL DEMANDED**

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**INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et. seq.*, which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

**JURISDICTION**

2. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).

3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

**PARTIES**

4. Plaintiff, Harry Petock, is a natural person who resides in the City of Imperial, County of Allegheny, Commonwealth of Pennsylvania, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant, National Enterprise Systems, Inc., (hereinafter "NES") is a foreign corporation and a collection agency operating from an address of 29125 Solon

Road, Solon OH, and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

### **FACTUAL ALLEGATIONS**

6. Plaintiff incurred a financial obligation that was primarily for personal, family or household purposes, that allegedly went into default for late payment, and is therefore a “debt” as that term is defined by 15 U.S.C. §1692a(5).

7. The Plaintiff’s alleged debt was consigned, placed or otherwise transferred to Defendant for collection from Plaintiff, when thereafter Plaintiff started receiving collection communications from Defendant in an attempt to collect this debt.

8. NES falsely threatened suit.

9. NES threatened to garnish plaintiff’s wages.

### **FIRST COUNT**

10. In the collection efforts, defendant violated the FDCPA, *inter alia*, §1692d, 1692e, 1692e(4), 1692e(5), 1692e(10) and 1692f.

11. As a result of defendant’s illegal collection activities, plaintiff suffered actual damages in the form of anger, anxiety, emotional distress, fear, frustration, upset, humiliation, embarrassment, as well as unjustified and abusive invasions of personal privacy.

WHEREFORE, plaintiff respectfully requests this Court to:

1. Award plaintiff such damages as are permitted by law; and
2. Award the plaintiff costs of suit and a reasonable attorney’s fee.

Date: June 27, 2008

Respectfully submitted,

**JEFFREY L. SUHER, P.C.**

By: **s/Jeffrey L. Suher**

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